

PROPOSED
LOCAL LAW NO. ____ of 2013

**A LOCAL LAW REQUIRING WRITTEN NOTIFICATION OF
DEFECTS IN THE TOWN OF HORICON**

Be it enacted by the Horicon Town Board as follows:

Section 1. Authority – This Local Law is adopted pursuant to New York Municipal Home Rule Law.

Section 1. Written Notification Requirement

A. No civil action shall be maintained against the Town of Horicon or the Town Highway Superintendent for damages or injuries to person or property sustained by reason of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Town Clerk or Highway Superintendent and there was a failure or neglect to repair or remove the defect, danger or obstruction complained of within a reasonable time after the giving of such notice. No such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any street, highway, bridge, culvert, sidewalk or crosswalk, unless written notice thereof, specifying the particular place, was actually given to the Town Clerk or Highway Superintendent and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

B. The Town Highway Superintendent shall transmit in writing to the Town Clerk all written notices received pursuant to this Local Law within ten days after receipt. The Town Clerk shall maintain a record of such notices as required by Subsection 4 of New York Town Law Section 65-a.

Section 3. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part hereof.

Section 4. Repealer; Supersession – All Local Laws, Ordinances or Resolutions or parts of Local Laws, Ordinances or Resolutions in conflict with any part of this Local Law are hereby repealed. This Local Law shall specifically supersede Subdivision 1 of Section 65-a of the Town Law in its application to the Town of Horicon and shall constitute the requirement of notice referred to in General Municipal Law Section 50-e[4].

Section 5. Effective Date – This Local Law shall take effect upon filing in the office of the New York State Secretary of State.